

AS AMENDED

Introduced by: Council Member Christine Hoffman

1st Reading: February 17, 2020

2nd Reading: March 2, 2020

**ORDINANCE NO. 2020-8133**

**AN ORDINANCE TO AMEND VARIOUS ARTICLES, DIVISIONS AND SECTIONS OF THE CITY OF JACKSONVILLE BEACH, CODE OF ORDINANCES CHAPTER 34 LAND DEVELOPMENT CODE; TO PROVIDE CLARIFICATIONS, REVISIONS, UPDATES, AND REORGANIZATION; PROVIDING FOR REPEAL OF ORDINANCES IN CONFLICT WITH THIS ORDINANCE, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Jacksonville Beach has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida; and Chapters 163 and 166, Florida Statutes; and

**WHEREAS**, the City of Jacksonville Beach Code of Ordinances, Chapter 34 Land Development Code (LDC) exists to establish comprehensive and consistent standards, regulations, and procedures for the review and approval of all proposed development of land in the City, and to implement the goals of the Comprehensive Plan; and

**WHEREAS**, the City of Jacksonville Beach finds it necessary to periodically review and make amendments and revisions to the LDC to provide clarifications, address new issues pertaining to regulations and procedures, make updates, enact new portions and reorganize parts; and

**WHEREAS**, the City of Jacksonville Beach Planning Commission, after notice and public hearing, has considered the ordinance and the proposed amendments, clarifications, revisions, updates and reorganization to the articles, divisions and sections of the LDC, it has considered staff recommendations, information provided and public testimony given at the public hearings and has presented its recommendation to the City Council; and

**WHEREAS**, the City Council hereby finds that this Ordinance serves legitimate government purposes and is in the best interests of the public health, safety, and welfare of the citizens of the City of Jacksonville Beach.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF JACKSONVILLE BEACH, FLORIDA:**

**SECTION 1. RECITALS.** The above recitals are ratified and confirmed as being true and correct and are made a part of this Ordinance.

**SECTION 2. AMENDMENTS TO THE CITY LDC.**<sup>1</sup> That Article II. Section 34-21 - Interpretations., of the LDC is hereby amended as follows:

Sec. 34-21. - Interpretations.

(e) Appeal

- (1) Within thirty (30) days after issuance of a written interpretation by the planning and development director, ~~the~~ an applicant with standing may appeal the interpretation to the ~~board of adjustment~~ Circuit Court of Duval County, Florida.

**SECTION 3.** That Article IV. Definitions. Section 34-41. – General., of the LDC is hereby amended as follows:

Sec. 34-41. - General

Artwork means a two- or three-dimensional representation of a creative idea that is expressed in an art form but does not convey the name of the business or a commercial message. ~~If displayed as a two-dimensional representation on a flat surface, the same shall not exceed one-quarter (1/4) of the total surface area; however, if displayed on a flat surface oriented to a federal-aid primary highway, the same shall not exceed one-half (1/2) of the total surface area.~~ All outdoor artwork shall conform to the maximum height restrictions in any particular zone in which it is located. All outdoor artwork shall also conform to any applicable building code and safety standards.

Carport means a roofed structure providing space for parking or storage of motor vehicles enclosed on not more than ~~three (3)~~ two (2) sides.

Driveway means a short private road that leads to a house or garage and maintained by an individual or group.

Lot of record means a lot that is part of a subdivision, the map or plat of which has been recorded in the office of the Duval County Clerk of Circuit Court, or a lot or parcel of land, the deed of which has been recorded in the office of the Duval County Clerk of Circuit Court.

Shopping Center means a group of three or more retail stores, service establishments or any other business not necessarily owned by one (1) person nor by a single land ownership that is adjacent to and utilizing a common off-street parking area.

Walkway means any hard surfaced passage for walking and providing pedestrian access, often to a building or dwelling unit entrance, public sidewalk or driveway.

<sup>1</sup> The revisions to the Codes set forth herein are indicated with ~~strikethrough~~ text to indicate deletions and underline text to indicate additions.

**SECTION 4.** That Article V. - Decision Making and Administrative Bodies, Division 4. - Board of Adjustment, Section 34-93. Board Membership., of the LDC is hereby amended as follows:

Sec. 34-93. – Board Membership.

(b) *Appointment.* The board of adjustment shall be composed of five (5) members appointed by the city council. The city council shall also appoint two (2) alternate members, a first alternate and a second alternate. The alternates shall serve a ~~two~~ (2) four (4) year term. The alternate members shall vote only in the absence of regular members. The first alternate shall have priority to replace the first regular member who is absent.

**SECTION 5.** That Article VI. - Development Review Procedures of the LDC is hereby amended as follows:

**DIVISION 1. – GENERAL APPLICABILITY**

Sec. 34-155. - Hearing procedures for applications for development permit.

(c) *Conduct of hearing.*

(2) *Due order of proceedings.* The body conducting the hearings may exclude testimony or evidence that it finds to be irrelevant, immaterial or unduly repetitious. The order of the proceedings shall be as follows:

a. The planning and development director shall present a narrative and graphic description of the application for development permit.

b. The planning and development director shall present a written and oral recommendation report, including ~~the report of the planning and development director, if relevant~~ information concerning consistency with the Land Development Code and Comprehensive Plan, as applicable. This ~~recommendation report~~ report shall address each factor required to be considered by the LDC prior to consideration of the application for development permit. The report of the planning and development director shall be made available to the applicant at least three (3) working days prior to the public hearing.

c. The applicant shall present any information the applicant deems appropriate.

d. Public testimony shall be heard, first in favor of the proposal, then in opposition to it.

e. The planning and development director and city attorney may respond to any statement made by the applicant or any public comment.

f. The applicant may respond to any testimony or evidence presented by the city staff or public.

## **DIVISION 2. SITE SPECIFIC COMPREHENSIVE PLAN AMENDMENTS**

Sec. 34-177. - Determination of sufficiency.

By the first Monday in April, the planning and development director shall determine if the application is sufficient. For a small scale development amendment accepted pursuant to Section 34-176**(b)(2)**, a sufficiency determination will be made within ten (10) working days of its submittal.

Sec. 34-179. - Public hearings.

Amendments to the future land use map that qualify as small scale developments adopted pursuant to section 34-176**(b)(2)** require only one public hearing before the local planning agency, followed by one public hearing before the Jacksonville Beach city council, which shall be an adoption hearing as provided in F.S. § 163.318 7(2), and as described in F.S. §163.3184(11)(b)2., and are not subject to the requirements of F.S. § 163.3184(2)-(6), unless the city council elects to have them subject to those requirements.

## **DIVISION 3. ZONING ATLAS AND CODE AMENDMENTS**

Sec. 34-203. – Initiation.

Amendments to the text of the Land Development Code may be proposed by the city council, the planning commission, and the planning and development director, ~~or the owner or another person having a contractual interest in property affected by a proposed amendment or their agent.~~ Amendments to the official zoning atlas may be proposed by the city council, the planning commission, the planning and development director or the owner or another person having a contractual interest in property affected by a proposed zoning atlas amendment or their agent.

Sec. 34-207. Review; and report. and recommendation.

Within ten (10) working days after the application is determined to be sufficient, the planning and development director shall review the application, and prepare a staff report ~~recommending approval, approval with conditions, or disapproval~~ based on the standards in Section 34-211(c). The report may also contain staff suggestions for conditions of approval, as may be applicable. The planning and development director shall mail a copy of the staff report ~~and recommendation~~ to the applicant along with written notification of the time and place the application will be considered by the planning commission. The public hearing on the application shall be scheduled for the first available regularly scheduled planning commission meeting by which time the public notice requirements can be satisfied, or such time as is mutually agreed upon between the applicant and the planning and development director.

Sec. 34-211. – Action by City Council following public hearing.

(b) The city council shall consider the application, all relevant supporting materials, the staff report ~~and recommendation of the planning and development director~~, the recommendation of the planning commission, and the testimony given at the public hearing

Sec. 34-222. Authority.

The planning commission, in accordance with the procedures, standards and limitations of this section, shall approve, approve with conditions, or deny an application for a development permit for a conditional use after ~~recommendation by~~ consideration of the report from the planning and development director.

Sec. 34-283. Authorized variances.

Variances shall only be granted from the dimensional standards of Article VII, the off-street parking or landscape standards of Article VIII, and the subdivision standards of the LDC, except that a height variance shall not be permitted in any zoning district. Variances shall not be granted to permit a use not generally allowed in the zoning district in which it is located. Variances may not be requested for relief from maximum building height, residential density or minimum lot area requirements.

**SECTION 6.** That Article VII. Zoning Districts, of the LDC is hereby amended as follows:

**DIVISION 2. - ZONING DISTRICTS, PERMITTED USES, ACCESSORY USES, CONDITIONAL USES, DIMENSIONAL STANDARDS, OFF-STREET PARKING AND LOADING STANDARDS, SUPPLEMENTAL STANDARDS, LANDSCAPING STANDARDS, SIGN STANDARDS, AND ENVIRONMENTAL STANDARDS**

Sec. 34-336. Residential, single-family: RS-1.

(b) *Permitted uses.*

~~(4) Essential public services.~~

(d) *Conditional uses.*

~~(4) Essential public services.~~

~~(5) (4) Cemeteries~~

~~(6) (5) Government uses, excluding correctional institutions.~~

~~(7) (6) Golf courses. (Regulation golf courses only).~~

~~(8)~~ (7) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.

Sec. 34-337. Residential, single-family: RS-2.

(b) *Permitted uses.*

(4) Essential public services.

(d) *Conditional uses.*

~~(5) Essential public services.~~

~~(6)~~ (5) Cemeteries.

~~(7)~~ (6) Government uses, excluding correctional institutions.

~~(8)~~ (7) Golf courses. (Regulation golf courses only).

~~(9)~~ (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.

~~(10)~~ (9) Public and private parks, playgrounds and recreational facilities. Private parks, playgrounds and recreational facilities shall be for the sole use of residents living in the area where such facilities are located, and shall not be used for commercial purposes.

Sec. 34-338. Residential, single-family: RS-3.

(b) *Permitted uses.*

(6) Essential public services.

(d) *Conditional uses.*

~~(5) Essential public services.~~

~~(6)~~ (5) Cemeteries.

~~(7)~~ (6) Government uses, excluding correctional institutions.

~~(8)~~ (7) Golf courses. (Regulation golf courses only).

~~(9)~~ (8) Child day care services, including kindergartens when operated on the same site as and in conjunction with a religious organization.

~~(10)~~ (9) Elderly-oriented group homes, group homes for the developmentally- or physically-disabled, or foster homes with more than six (6) and less than thirteen (13) residents.

~~(11)~~ (10) Hospitals.

~~(12)~~ (11) Nursing and personal care facilities.

~~(13)~~ (12) Civic, social and fraternal organizations.

~~(14)~~ (13) Public and private parks, playgrounds, and recreational facilities.

Sec. 34-339. - Residential, multiple-family: RM-1.

(b) *Permitted uses.*

(8) Essential public services.

(9) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) *Conditional uses.*

~~(10) Essential public services.~~

~~(11)~~ (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

~~(14)~~ (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses exceeding fifty thousand (50,000) square feet in gross area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

~~(17)~~ (15) Nursing and personal care facilities.

~~(18)~~ (16) Child day care services.

~~(19)~~ (17) Adult day care services.

~~(20)~~ (18) Civic, social and fraternal organizations

~~(21)~~ (19) Community centers.

~~(22)~~ (20) Public parks, playgrounds and recreational facilities.

Sec. 34-340. Residential, multiple-family: RM-2.

(b) *Permitted uses.*

(8) Essential public services.

(9) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.

(d) *Conditional uses.*

~~(10) Essential public services.~~

(11) (10) Governmental uses, excluding correctional institutions.

~~(12) Single-family dwellings constructed in accordance with requirements set forth in section 34-338, residential, single family: RS-3.~~

~~(13)~~ (11) Hospitals.

(14) (12) Business and professional offices as follows: Landscape architects, doctors, dentists, miscellaneous health offices and clinics; legal services; and engineering, architecture, accounting, research, management, and related services. Uses listed herein shall not exceed fifty thousand (50,000) square feet in gross floor area. Listed uses exceeding fifty thousand (50,000) square feet in gross floor area shall only be approved pursuant to section 34-348 planned unit development: PUD district standards and procedures.

~~(15)~~ (13) Financial institutions, insurance and real estate offices.

~~(16)~~ (14) Rooming and boarding houses.

- (17) (15) Nursing and personal care facilities.
- (18) (16) Child day care services.
- (19) (17) Adult day care services.
- (20) (18) Hotels and motels.
- (21) (19) Restaurants, excluding drive-ins.
- (22) (20) Private membership sports clubs and recreational facilities.
- (23) (21) Civic, social and fraternal organizations.
- (24) (22) Outdoor restaurants.
- (25) (23) Community centers.
- (26) (24) Public and private parks, playgrounds and recreational facilities.

Sec. 34-345. Central business district: CBD.

(b) *Permitted uses.*

(19) Multiple family dwellings and townhouses, subject to Section 34-340345(e) Site Design and Lot Layout Standards and also subject to a maximum density of 40 units per acre residential multi-family, RM-2.

Sec. 34-346. Industrial district: I-1.

(d) *Conditional uses.*

(3) Processing and wholesale trade of scrap and waste materials, including junkyards, subject to section 34-4-4-25(d).

**SECTION 7.** That Article VIII. Site Development Standards, of the LDC is hereby amended as follows:

**DIVISION 1. - PARKING AND LOADING STANDARDS**

Sec. 34-373. Design standards.

(a) *Spaces.*

(5) Wheel Strips: Seven (7) foot overall width, as measured from outside edge to

outside edge of each strip, with each strip measuring at least eighteen (18) inches wide.

(6) Bicycle Parking: For off-street parking lots containing 10 or more spaces, one parking space may be converted to a bicycle parking area.

- (f) *Construction standards.* Off-street parking and loading areas and the vehicular access way thereto shall be paved, striped and landscaped. All landscaping shall be in accordance with section 34-425. The requirements provided herein for striping and landscaping are not applicable to driveways for single-family residences, two-family dwellings, and townhouses.

## **DIVISION 2. - SUPPLEMENTAL STANDARDS**

Sec. 34-392. - Accessory uses and structures.

- (4) *Pools.* Private swimming pools, as regulated herein, shall be any pool, lake or open tank located either above or below the existing finished grade of the site, not located within a completely enclosed building, and exceeding one hundred fifty (150) square feet in surface area and two (2) feet in depth, designed, used or intended to be used for swimming or bathing purposes.

a. General. A private swimming pool shall be allowed in any residential zoning district as an accessory use only if it fully complies with the following standards:

4. The pool shall be constructed and enclosed in compliance with the requirements set forth in the ~~Standard Swimming Pool~~ Florida Building Code as adopted or amended by the City.

Sec. 34-395. Corner visibility.

On a corner lot in all zoning districts, no fence, wall, hedge, planting, or structure shall be erected, placed, planted, or allowed to grow in such a manner as to obstruct vision between a height of two and one-half (2 1/2) feet and eight (8) feet above the centerline grades of the intersecting streets in the area bounded by the street right-of-way lines of such corner lots and a line joining points along said street right-of-way lines twenty (20) feet from the point of intersection. In addition to these requirements, landscaping within sight visibility triangles shall be governed by the standards of section 34-425(h).

Sec. 34-399. Home occupations.

(e) *Standards.*

- (5) *Advertising.* All newspaper, radio, TV, internet websites, social media, or telephone directory advertising of the home occupation cannot include the specific address of the home occupation use. Post office boxes are acceptable.

**SECTION 8.** That Article IX. Subdivision Standards, of the LDC is hereby amended as follows:

Sec. 34-503. Concept plan for plat.

- (4) *Review and report by planning and development director.* Within ten (10) working days after the application is determined sufficient, the planning and development director shall review the application, and prepare a staff report ~~recommending approval, approval with conditions, or denial~~ based on the standards in ~~Section 34-403~~ 34-503(6). The planning and development director shall mail a copy of the staff report to the applicant by mail on the day the staff report is completed, along with written notification of the time and place the application will be considered by the planning commission at a hearing.
- (5) *Decision by planning commission.* After receipt of the staff report on the application for concept plan for plat, the application shall be considered at the next available public hearing. At the public hearing the planning commission shall consider the application, staff report, and public testimony. After the close of the public hearing the planning commission shall approve, approve with conditions, or deny the concept plan for plat based on the standards in ~~Section 34-403(f)~~ 34-503(6).

Sec 34-504. - Development plan for plat.

Within one (1) year of receipt of a concept plan for plat, ~~a development order for a development plan~~ an application for development plan for plat shall be submitted pursuant to the procedures and standards of Section 34-251 et seq., or the concept plan for plat shall become null and void.

Sec. 34-505. - Final plat.

- (b) *Contents of application.* ~~Ten (10)~~ Five (5) copies of the application shall be submitted in a form established by the planning and development director and made available to the public that contains the following information:

**SECTION 9. CONFLICTING ORDINANCES.** That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 10. SEVERABILITY.** It is the intention of the City Council that if any section, subsection, clause or provision of this ordinance is deemed invalid or unconstitutional by a court of competent jurisdiction, such portion will become a separate provision and will not affect the remaining provisions of this ordinance.

**SECTION 11. CODIFICATION.** The City Council intends that this ordinance will be made a part of the City of Jacksonville Beach Code of Ordinances.

**SECTION 12. EFFECTIVE DATE.** This ordinance will immediately take effect upon its adoption by City Council.

AUTHENTICATED THIS 2<sup>nd</sup> DAY OF March, A.D., 2020.



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William C. Latham, Mayor



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Laurie Scott, City Clerk